



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CARL P. HOFF, Trustee of the Carl P. Hoff
Trust,

Plaintiff / Counter-Defendant,

v.

PACIFIC NORTHERN ENVIRONMENTAL
CORP., a Delaware corporation, dba
COWLITZ CLEAN SWEEP; and UNITED
STATES OF AMERICA,

Defendants / Counter-Claimants.

ORDER

Civil No. 05-1376-HUHA

HAGGERTY, Chief Judge:

Magistrate Judge Hubel referred to this court a Findings and Recommendation [97] in this action.¹ The Findings and Recommendation recommends that plaintiff's Motion to Extend Expert Rebuttal Witness Disclosure Deadline [87] be denied. Plaintiff filed timely objections.

¹ The action was subsequently reassigned to this court for trial [108].

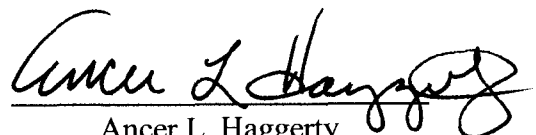
When a party objects to any portion of a Findings and Recommendation, the district court must conduct a de novo review. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Here, the court has performed a de novo review, evaluated the Findings and Recommendation, the objections, and the entire record. After this review, the court adopts the Findings and Recommendation.

In addition to the timely filed objections, which were due on August 1, 2007, plaintiff filed, on August 15, 2007, a Supplemental Memorandum in Support of Objections to Findings and Recommendation [102]. This filing was accompanied by an affidavit [103] and a cover letter further arguing plaintiff's cause. All of these filings are in violation of the scheduling order in the Findings and Recommendation and are stricken. *See* Fed. R. Civ. P. 16(f). The court notes that plaintiff will have ample opportunity to challenge the propriety of any anticipated objectionable lay witness testimony at trial.

The Findings and Recommendation [97] is adopted and plaintiff's Motion to Extend Expert Rebuttal Witness Disclosure Deadline [87] is denied

IT IS SO ORDERED.

DATED this 31 day of October, 2007.


Ancer L. Haggerty
United States District Judge